

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONDRE MCMILLAN,

Plaintiff,

v.

LYCOMING COUNTY,
MICHAEL CORTER,
TYSON HAVENS,
MICHAEL A. CASCHERA, III,
CLINTON GARDNER,
JOHN and/or JANE DOE(S), and
RYAN GARDNER,

Defendants.

No. 4:23-CV-00561

(Chief Judge Brann)

ORDER

JANUARY 26, 2024

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. Defendants Michael Corter's and Clinton Gardner's Motion to Dismiss (Doc. 32) is **GRANTED IN PART**;
 - a. Michael Corter is **DISMISSED WITHOUT PREJUDICE** from Count I;
 - b. Clinton Gardner is **DISMISSED WITHOUT PREJUDICE** from Counts II, III, and XI of the Amended Complaint;

- c. Defendants Michael Corter's and Clinton Gardner's Motion to Dismiss (Doc. 32) is **DENIED** in all other respects;
2. Defendants Lycoming County's, Ryan Gardner's, Michael A. Caschera, III's, and Tyson Havens' Motion to Dismiss (Doc. 31) is **GRANTED IN PART**;
 - a. Lycoming County is **DISMISSED WITHOUT PREJUDICE**;
 - b. Ryan Gardner is **DISMISSED WITHOUT PREJUDICE**;
 - c. Tyson Havens is **DISMISSED WITHOUT PREJUDICE** from Counts II, III, and XI of the Amended Complaint;
 - d. Defendants Lycoming County's, Ryan Gardner's, Michael A. Caschera, III's, and Tyson Havens' Motion to Dismiss (Doc. 31) is **DENIED** in all other respects;
3. Plaintiff has fourteen (14) days from today's date to file a second amended complaint. If no second amended complaint is filed, the counts subject to dismissal without prejudice will then be subject to dismissal with prejudice.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge